

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DIRECT REPORT CORPORATION d/b/a  
SHAREHOLDER.COM

Plaintiff,

v.

CCBN.COM, INC., THE THOMSON  
CORPORATION, JOHN DOES 1 through 5,  
and JANE DOES 1 through 5,  
Defendants.

Civil Action No. 04-10535 PBS

**PLAINTIFF'S ANSWER TO DEFENDANTS' AMENDED COUNTERCLAIMS**

Plaintiff Direct Report Corporation d/b/a Shareholder.com ("Shareholder.com") answers the correspondingly numbered paragraphs of the Amended Counterclaims of defendants CCBN.com, Inc. and the Thomson Corporation as follows:

**Introduction**

The introduction states prefatory material and conclusions of law to which no response is required or necessary. To the extent that the introduction makes factual allegations, they are denied.

**Facts**

81. Shareholder.com is without information sufficient to admit or deny the allegations of this paragraph.

82. Admitted.

83. Shareholder.com is without information sufficient to admit or deny the allegations of this paragraph.

84. Shareholder.com is without information sufficient to admit or deny the allegations of this paragraph.

85. Shareholder.com is without information sufficient to admit or deny the allegations of this paragraph.

86. Shareholder.com denies that the majority of the information offered on StreetEvents is confidential or proprietary in nature. Shareholder.com is without information sufficient to admit or deny the remainder of the allegations of this paragraph.

87. Shareholder.com is without information sufficient to admit or deny the allegations of this paragraph.

88. Shareholder.com is without information sufficient to admit or deny the allegations of this paragraph.

89. Shareholder.com denies any implication that the information contained on both StreetEvents and MyCCBN are accessible only by password. Shareholder.com is without information sufficient to admit or deny the allegations of this paragraph.

90. Shareholder.com is without information sufficient to admit or deny the allegations of this paragraph.

91. Shareholder.com is without information sufficient to admit or deny the allegations of this paragraph.

92. Shareholder.com is without information sufficient to admit or deny the allegations of this paragraph.

93. Shareholder.com is without information sufficient to admit or deny the allegations of this paragraph.

94. Shareholder.com is without information sufficient to admit or deny the allegations of this paragraph.

95. Shareholder.com is without information sufficient to admit or deny the allegations of this paragraph.

96. Shareholder.com is without information sufficient to admit or deny the allegations of this paragraph.

97. Shareholder.com is without information sufficient to admit or deny the allegations of this paragraph.

98. Shareholder.com is without information sufficient to admit or deny the allegations of this paragraph.

99. Denied.

100. Shareholder.com is without information sufficient to admit or deny the allegations of this paragraph.

101. Shareholder.com admits that Morgen Walke was an international communications firm recently acquired by Financial Dynamics. Shareholder.com is without information sufficient to admit or deny the remaining allegations of this paragraph.

102. Shareholder.com is without information sufficient to admit or deny the allegations of this paragraph.

103. Shareholder.com is without information sufficient to admit or deny the allegations of this paragraph.

104. Shareholder.com is without information sufficient to admit or deny the allegations of this paragraph.

105. Shareholder.com is without information sufficient to admit or deny the allegations of this paragraph.

106. Denied.

107. Shareholder.com is without information sufficient to admit or deny the allegations of this paragraph.

108. Shareholder.com is without information sufficient to admit or deny the allegations of this paragraph.

109. Shareholder.com is without information sufficient to admit or deny the allegations of this paragraph.

110. Denied.

111. Denied.

112. Shareholder.com denies that it has repeatedly made false or misleading representations to CCBN's current or prospective clients. Shareholder.com is without information sufficient to admit or deny the remainder of the allegations of this paragraph.

113. Shareholder.com is without information sufficient to admit or deny the allegations of this paragraph.

114. Denied.

115. Denied.

116. Denied.

117. Denied.

118. Denied.

FIRST COUNTERCLAIM FOR VIOLATION OF THE  
COMPUTER FRAUD AND ABUSE ACT

119. Shareholder.com incorporates its responses to the previous numbered paragraphs.

120. Denied.

121. Denied.

122. Denied.

SECOND COUNTERCLAIM FOR VIOLATION  
OF THE LANHAM ACT

123. Shareholder.com incorporates its responses to the previous numbered paragraphs.

124. Denied.

125. Denied.

126. Denied.

THIRD COUNTERCLAIM FOR UNFAIR COMPETITION

127. Shareholder.com incorporates its responses to the previous numbered paragraphs.

128. Denied.

129. Denied.

FOURTH COUNTERCLAIM FOR FRAUD

130. Shareholder.com incorporates its responses to the previous numbered paragraphs.

131. Denied.

132. Denied.

FIFTH COUNTERCLAIM FOR TRESPASS

133. Shareholder.com incorporates its responses to the previous numbered paragraphs.

134. Denied.

135. Denied.

## **AFFIRMATIVE DEFENSES**

### **First Affirmative Defense**

Defendants' allegations fail to state a claim upon which relief may be granted.

### **Second Affirmative Defense**

Defendants' claims are barred in whole or in part by the applicable statute of limitations.

### **Third Affirmative Defense**

Defendants' claims are barred in whole or in part by the doctrine of unclean hands.

### **Fourth Affirmative Defense**

Defendants' claims are barred in whole or in part by the doctrine of laches.

### **Fifth Affirmative Defense**

Defendants' claims are barred in whole or in part by the doctrine of estoppel.

### **Sixth Affirmative Defense**

Defendants' claims are barred because the claims have been waived.

### **Seventh Affirmative Defense**

Defendants' claims are barred because the damage Defendants claim to have suffered was not caused by conduct for which Shareholder.com is liable.

### **Eighth Affirmative Defense**

Shareholder.com hereby gives notice that it intends to rely upon such other and further defenses as may become available or apparent during the proceedings in this case, and reserves its right to amend this answer to assert any such defense.

SHAREHOLDER.COM,

By its attorneys,

/s/ John T. Bennett

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